

RICHARD M. FLEMING,)	
)	
Petitioner,)	3:10-cv-00362-ECR-VPC
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Respondents.)	
	/	

If the petitioner files a petition in the wrong district, the district court may transfer the petition to the proper district pursuant to 28 U.S.C. § 1631, “if it is in the interest of justice.” *See Miller v. Hambrick*, 905 F.2d 259, 262 (9th Cir. 1990). In the instant case, the petitioner is challenging a federal conviction from the District of Nebraska. The United States District Court for the District of Nebraska has proper jurisdiction over this petition.

1 **IT IS THEREFORE ORDERED** that this action is **TRANSFERRED** to the United
2 States District Court for the District of Nebraska, Lincoln Division. The Clerk of Court shall
3 transmit this order and this entire action to the United States District Court for the District of
4 Nebraska, Lincoln Division, forthwith.

5 Dated this 9th day of November, 2010.

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8 UNITED STATES DISTRICT JUDGE
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